

LaMONICA HERBST & MANISCALCO, LLP
Proposed General Counsel to the Chapter 7 Trustee
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
(516) 826-6500
Jacquelyn S. Loftin, Esq.

Presentment Date: June 23, 2025, at: 10:00 a.m.
Objection Deadline: June 16, 2025, at 5:00 p.m.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

YJ SIMCO LLC,

Case No.: 25-10437 (LGB)

Debtor.
-----X

**NOTICE OF PRESENTMENT OF CHAPTER 7 TRUSTEE'S APPLICATION
FOR ENTRY OF AN ORDER AUTHORIZING AND APPROVING THE
RETENTION OF LAMONICA HERBST & MANISCALCO, LLP AS GENERAL
COUNSEL TO THE CHAPTER 7 TRUSTEE EFFECTIVE AS OF MAY 16, 2025**

PLEASE TAKE NOTICE that Gregory M. Messer, solely in his capacity as the interim Chapter 7 Trustee ("Trustee") of the bankruptcy estate of YJ Simco LLC ("Debtor"), will present the annexed proposed Order, Application, and Declaration (collectively, "Application"), authorizing and approving the retention of LaMonica Herbst & Maniscalco, LLP ("LH&M"), as general counsel to the Trustee, effective as of May 16, 2025, for signature and approval to the Honorable Lisa G. Beckerman United States Bankruptcy Judge, Southern District of New York, in her Chambers at the United States Bankruptcy Court, One Bowling Green, New York, New York 10004-1408 on **June 23, 2025, at 10:00 a.m.**

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Application must be in writing, conform with the Bankruptcy Code and Federal Rules of Bankruptcy Procedure, state with particularity the grounds therefor and be filed with the Bankruptcy Court no later than **June 16, 2025 at 5:00 p.m.** ("Objection Deadline") as follows: (I) through the Bankruptcy Court's electronic filing system, which may be accessed through the internet at the Bankruptcy Court's

website at www.nysb.uscourts.gov and in portable document format (PDF) using Adobe Exchange Software for conversion; or (II) if a party is unavailable to file electronically, such party shall submit the objection in PDF format on a portable drive in an envelope with the case name, case number, type and title of document, document number to which the objection refers and the file name on the outside of the envelope. Two single sided courtesy copies of any filed objection should simultaneously be sent to the Honorable Lisa G. Beckerman, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that, if an objection to the Application is not filed by the Objection Deadline, the relief requested shall be deemed unopposed, and the Bankruptcy Court may enter the proposed Order annexed to the Application.

PLEASE TAKE FURTHER NOTICE, that if an objection is timely filed to the relief requested, or if the Court determines that a hearing is appropriate, the Court will schedule a hearing. Notice of such a hearing will be provided by the movant.

Dated: May 28, 2025
Wantagh, New York

LAMONICA HERBST & MANISCALCO, LLP
Proposed General Counsel to the Chapter 7 Trustee

By: s/Jacquelyn S. Loftin
Jacquelyn S. Loftin, Esq.
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
(516) 826-6500

Gregory M. Messer, as Chapter 7 Trustee
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
Telephone: 516-826-6500

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

YJ SIMCO LLC,

Case No. 25-10437 (LGB)

Debtor.
-----X

**CHAPTER 7 TRUSTEE'S APPLICATION FOR ENTRY OF AN ORDER
AUTHORIZING AND APPROVING THE RETENTION OF LAMONICA HERBST &
MANISCALCO, LLP AS GENERAL COUNSEL TO THE CHAPTER 7 TRUSTEE
EFFECTIVE AS OF MAY 16, 2025**

**TO THE HONORABLE LISA G. BECKERMAN,
UNITED STATES BANKRUPTCY JUDGE**

The application ("Application") of Gregory M. Messer, solely in his capacity as the interim Chapter 7 Trustee ("Trustee") of the bankruptcy estate of YJ Simco LLC ("Debtor"), seeks entry of an Order, pursuant to 11 U.S.C. § 327(a) ("Bankruptcy Code") and Rule 2014 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), approving the retention of LaMonica Herbst & Maniscalco, LLP ("LH&M") as his counsel effective as of retention date of May 16, 2025 ("Retention Date"), and respectfully represents and alleges:

PROCEDURAL BACKGROUND

1. On March 9, 2025 ("Filing Date"), the Debtor, filed a voluntary petition ("Petition") for relief pursuant to Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York ("Court").

2. By Order of the Court dated May 14, 2025, the Debtor's chapter 11 case was converted to one under Chapter 7 of the Bankruptcy Code.

3. Gregory M. Messer was appointed as the interim Chapter 7 Trustee of the Debtor's bankruptcy estate and is currently acting in that capacity.

4. The meeting of creditors, pursuant to Bankruptcy Code section 341, is scheduled for June 6, 2025.

RELIEF REQUESTED

5. Upon the Trustee's investigation of the Debtor's case, the Trustee discovered that the Debtor is the 100% membership interest holder in the limited liability company 1055 Park Ave 1 LLC, which owns the real property known as, and located at, 1055 Park Avenue, Unit 1, New York, New York 10028 ("Unit 1"). In addition, the Debtor is the 100% membership interest holder in the limited liability company 1055 Park Ave PH LLC, which owns the real property known as, and located at, 1055 Park Avenue, PH, New York, New York 10028 ("PH"). Upon information and belief, there may be equity in Unit 1 and/or the PH. The Trustee has been advised that there is a tenant occupying the PH.

6. The Trustee has determined that it is necessary to employ General Counsel on his behalf in this proceeding to assist him with, inter alia, disposition of the Debtor's membership interest in the two limited liability companies as well as Unit 1 and the PH.

7. Subject to further Order of this Court without limitation, LH&M will render the following services to the Trustee and the estate:

- i. Assisting the Trustee before the Court and advising the Trustee on hearings and motions;
- ii. Reviewing and analyzing all motions filed with the Court by third parties in this case, including, but not limited to, the motion seeking relief from stay filed by New York 555, LLC;
- iii. Determine the disposition of the Debtor's member interest in the limited liability companies and Unit 1 and PH;

- iv. Prosecuting objections to claims, if any; and
- v. Performing other legal services which may be necessary to protect the interests of the estate.

8. The Trustee seeks to employ LH&M on an hourly basis. As set forth in the annexed declaration of Jacquelyn S. Loftin, Esq. ("Declaration"), LH&M's current hourly rates are as follows: (a) up to two hundred twenty-five dollars (\$225.00) for para-professionals; (b) up to four hundred and seventy-five dollars (\$475.00) for associates; and (c) up to seven hundred and twenty-five dollars (\$725.00) for partners.

9. As set forth in the Declaration, LH&M will apply to the Court for allowance of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, Bankruptcy Rules, Local Bankruptcy Rules for the Southern District of New York, and Orders of the Court.

10. As set forth in the Declaration, LH&M has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

11. To the best of the Trustee's knowledge, LH&M does not hold or represent an interest adverse to the Debtor's bankruptcy estate.

12. To the best of the Trustee's knowledge, LH&M is a "disinterested person" as that term is defined in Bankruptcy Code section 101(14) of the Bankruptcy Code in that LH&M: (a) is not a creditor, an equity security holder, or an insider of the Debtor; (b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the Debtor; and (c) does not have an interest materially adverse to the interest of the Debtor's bankruptcy estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in the Debtor, or for any other reason.

13. Prior to the Retention Date, LH&M did not render any professional services to the Trustee in this case. LH&M represents or has represented Gregory M. Messer in other matters unrelated to this case, including, representing Gregory M. Messer in those cases in which he serves or has served as Chapter 7 Trustee and Chapter 11 Trustee.

14. No prior application has been made to this or any other Court for the relief sought herein.

WHEREFORE, the Trustee respectfully requests entry of the order authorizing and approving the employment of LH&M as General Counsel to the Trustee effective as of the Retention Date.

Dated: May 28, 2025
Wantagh, New York

By: s/ Gregory M. Messer
Gregory M. Messer
Solely in his Capacity as the Chapter 7 Trustee
26 Court Street, Suite 2400
Brooklyn, NY 11242
Telephone: 718.585.1474

LAMONICA HERBST & MANISCALCO, LLP
Proposed General Counsel to the Chapter 7 Trustee
3305 Jerusalem Avenue, Suite 201
Wantagh, New York 11793
Telephone: 516-826-6500
Jacquelyn S. Loftin, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

YJ SIMCO LLC,

Case No. 25-10437 (LGB)

Debtor.
-----X

**DECLARATION IN SUPPORT OF THE CHAPTER 7 TRUSTEE'S APPLICATION
FOR AN ORDER AUTHORIZING AND APPROVING THE RETENTION OF
LAMONICA HERBST & MANISCALCO, LLP AS GENERAL COUNSEL TO THE
CHAPTER 7 TRUSTEE EFFECTIVE DATE AS OF MAY 16, 2025**

JACQUelyn S. LOFTIN, ESQ., declares as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner of the law firm of LaMonica Herbst & Maniscalco, LLP ("LH&M"), which maintains its offices at 3305 Jerusalem Avenue, Suite 201, Wantagh, New York 11793. I am duly admitted to practice law before this Court and the courts of the State of New York.

2. I submit this declaration in support of the application ("Application")¹ of Gregory M. Messer, solely in his capacity as the Chapter 7 Trustee ("Trustee") of the bankruptcy estate of YJ Simco LLC ("Debtor"), seeking entry of an Order, pursuant to Bankruptcy Code section 327(a) and Bankruptcy Rule 2014, approving the retention of LH&M as his General Counsel effective as of May 16, 2025 ("Retention Date").

3. The facts set forth herein are based upon personal knowledge, my review of information on the docket in this case, as well as information that has been provided to me. To the

¹ Capitalized terms not otherwise defined herein shall have the definition ascribed to them in the Application.

extent any information disclosed herein requires the subsequent amendment or modification of this declaration upon LH&M's completion of further review and analysis or as additional party-in-interest information becomes available to it, a supplemental declaration disclosing such information will be filed with the Court reflecting such amended or modified information.

8. The Trustee requested that LH&M represent him as his general counsel in this case, to assist him with, inter alia, disposition of the Debtor's membership interest in 1055 Park Ave 1 LLC and 1055 Park Ave PH LLC, as well as Unit 1 and the PH. At the Trustee's request, LH&M began providing legal services to the Trustee as of the Retention Date.

9. LH&M possesses the requisite experience and expertise to advise the Trustee as his general counsel in this case. LH&M has extensive experience representing chapter 7 and chapter 11 trustees and is well versed in the chapter 7 process. LH&M submits that its employment is essential to the Trustee's effective and efficient administration of the Debtor's bankruptcy estate.

10. In preparing this Declaration, I used a set of procedures developed by LH&M to ensure compliance with the Bankruptcy Code and the Bankruptcy Rules regarding the employment of professionals by a trustee under the Bankruptcy Code. I, along with my partners and associates of LH&M, conducted a search of LH&M's client database to determine whether LH&M had any connections to the Debtor, its creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee or any person employed in the office of the United States Trustee.

11. After review of the Debtor's creditor matrix and the docket, annexed as Exhibit "A", it has been determined that the Trustee and LH&M are not connected with any creditor listed.

12. To the best of my knowledge, LH&M does not, by reason of any direct or indirect relationship to or connection with the Debtor, hold or represent any interest adverse to the Debtor or to the Debtor's bankruptcy estate.

13. After review of the United States Bankruptcy Court for the Southern District of New York's website, it has been determined that the Trustee and LH&M are not connected to, or affiliated with, Judge Lisa G. Beckerman or any of the Judge's staff members, including Courtroom Deputy, Chantel Barrett and Law Clerks, Ilayna Guevrekian, and Griselda Cabrera.

14. After review of the United States Department of Justice's Website for Region 2, staff directory for the Manhattan, it has been determined that the Trustee and LH&M are not connected to, or affiliated with, the United States Trustee, William K. Harrington, or any person employed in the office of the United States Trustee, that is listed on the staff directory.

15. To the best of my knowledge, after due inquiry, neither LH&M nor any partner, counsel or associate of LH&M represents any entity or party in interest other than the Trustee in connection with this case.

16. To the best of my knowledge, LH&M is a "disinterested person" as that term is defined in Bankruptcy Code section 101(14), in that LH&M: (a) is not a creditor, an equity security holder, or an insider of the Debtor; (b) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the Debtor; and (c) does not have an interest materially adverse to the interests of the Debtor's bankruptcy estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in the Debtor, or for any other reason.

17. Prior to the Retention Date, LH&M did not render any professional services to the Trustee in this case. LH&M represents or has represented Gregory M. Messer in other matters

unrelated to this case, including representing Gregory M. Messer in those cases in which he serves as Chapter 7 Trustee and Chapter 11 Trustee.

18. Based upon the foregoing, LH&M does not believe that it is conflicted from representing the Trustee in this case. LH&M regularly updates its client database and does not open any new matter without reviewing the information necessary to check each such matter for conflicts, including the identity of the prospective client, the matter, and related and adverse parties.

19. LH&M will apply to the Court for allowance of compensation and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules for the Southern District of New York, the Local Bankruptcy Rules for the Southern District of New York and Orders of the Court.

20. The Trustee seeks to employ LH&M on an hourly basis. LH&M's current hourly rates are as follows: (a) up to two hundred twenty-five dollars (\$225.00) for para-professionals; (b) up to four hundred and seventy-five dollars (\$475.00) for associates; and (c) up to seven hundred and twenty-five dollars (\$725.00) for partners.

21. Neither I, nor LH&M, nor any partner or associate thereof has received or been promised any compensation for legal services rendered or to be rendered in any capacity in connection with this case other than as permitted by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules and applicable law.

22. LH&M has not agreed nor will it agree to share compensation received in connection with this case with any other person, except as permitted by the Bankruptcy Code § 504(b) of the Bankruptcy Code and Bankruptcy Rule 2016 in respect of the sharing of compensation among partners of LH&M.

Executed under penalty of perjury this 28th day of May 2025.

s/ Jacquelyn S. Loftin
Jacquelyn S. Loftin, Esq.

Exhibit A

Debtor

YJ Simco LLC

Debtor's Counsel

Charles Wertman, Esq.

Chambers

Honorable Chief Judge Martin Glenn
Courtroom Deputy: Deanna Anderson
Law Clerks:
Arielle Ambra-Juarez
Aileen Ramia
Ata Nalbantoglu

Judge Lisa G. Beckerman
Courtroom Deputy: Chantel Barrett
Law Clerks:
Patrick Morley
Will Jagiello
Taylor Fogg

Judge Philip Bentley
Courtroom Deputy: Greg White
Courtroom Deputy (for Chapter 13 matters):
Vanessa Ashmeade
Law Clerks:
Mira Haqqani
Brian McElroy
Helin Azizoglu

Judge James L. Garrity, Jr.
Courtroom Deputy: Willie Rodriguez
Law Clerks:
Zachary Sipala
Natasha Fisher
Yong Cui

Judge David S. Jones
Courtroom Deputy: Lynda Calderon
Law Clerks:
Kate Christensen
Vincent Puzak
Oyin Falana

Judge Sean H. Lane
Courtroom Deputy: Liza Ebanks
Law Clerks:
Christine Azzaro
Alana Lyman
Sean Johannsen

Judge John P. Mastando III
Courtroom Deputy: Maria Rodriguez-Castillo
Law Clerks:
Reema Lateef
William Schwartz
Jiawei Lin

Judge Cecelia G. Morris
Courtroom Deputy: Tracey Mercado
Divisional Manager: Frances Fredericks
Law Clerk: Tessa Ptucha

Judge Kyu Y. (Mike) Paek
Courtroom Deputy: Vanessa Ashmeade
Division Manager: Frances Fredericks
Law Clerks:
Graham Fisher
Bryan Garcia

Judge Michael E. Wiles
Courtroom Deputy: Jacqueline DePierola
Law Clerks:
Lorraine Echevarria
Alexandra Trombitas

Office of the United States Trustee

William K. Harrington
Linda A. Rifkin
Victor Abriano
Mark Bruh
Amanda D. Cassara
Shara Cornell
Nadkarni Joseph
Brian S. Masumoto
Ercilia A. Mendoza
Mary V. Moroney
Alaba Ogunleye
Ilusion Rodriguez
Daniel Rudewicz
Andrea B. Schwartz
Paul K. Schwartzberg
Sylvester Sharp
Rachael E. Siegel
Tara Tiantian
Andy Velez-Rivera
Madeleine Vescovacci
Valentina Vlasova
Annie Wells
Greg M. Zipes

Notices of Appearance

Sean C. Southard, Esq.
KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP
200 West 41st Street, 17th Floor
New York, NY 10036

Allen Schwartz, Esq.
SCHWARTZ LAW PLLC
150 Broadway, Suite 701
New York, NY 10038

Shauna DeLuca, Esq.
HASBANI & LIGHT, P.C.
450 Seventh Avenue, Suite 1901
New York, NY 10123

Creditors Filing Proofs of Claim:

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

All known Creditors:

American Express
P.O. Box 297871
Fort Lauderdale, FL 33329-7871

Herrick Feinstein
2 Park Avenue
New York, NY 10016-9302

Jared Chassen
55 Manor Pond Lane
Irvington, NY 10533-2423

Jeffrey Simpson
1055 Park Avenue, SPT 4
New York, NY 10028-1011

NYC Department of Finance
One Centre Street, 22nd Floor
New York, NY 10007-1632

New York 555, LLC
1688 Meridan Avenue, Suite 610
Miami Beach, FL 33139-2710

John Cahill, Esq.
Regional Council for NY/NJ
U.S. Department of Housing & Urban
Development
26 Federal Plaza, Room 3500
New York, NY 10278

NYC Department of Finance
66 John Street, 2nd Floor, Room 104
New York, NY 10038

NYC Department of Finance
Office of Legal Affairs
375 Pearl Street, 30th Floor
New York, NY 10038

Unemployment Insurance Division
NYS Department of Labor
P.O. Box 1195
Albany, NY 12201

NYS Department of Taxation & Finance
Bankruptcy/Special Procedures Section
P.O. Box 5300
Albany, NY 12205-5300

Parking Violations Bureau
210 Joralemon Avenue
Brooklyn, NY 11201

U.S. Dept. of Health & Human Services
Office of the General Counsel
26 Federal Plaza, Room 3908
New York, NY 10278

U.S. Securities & Exchange Commission
New York Regional Office
100 Pearl Street, Suite 20-100
New York, NY 10004-2616

United States' Attorney's Office
Southern District of New York
Attn: Tax & Bankruptcy Unit
86 Chambers Street, Third Floor
New York, NY 10007

PREFERS EMAIL SERVICE ONLY

Robert Roberts, Office of Site Remediation
Enforcement
Office of Enforcement and Compliance
Assurance
U.S. ENVIRONMENTAL PROTECTION
AGENCY
1200 Pennsylvania Ave N.W.
M/C 2272A, Room 5226D WJCS
Washington, D.C. 20004-2004
Roberts.Robert@epa.gov

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

Chapter 7

YJ SIMCO LLC,

Case No. 25-10437 (LGB)

Debtor.
-----X

**ORDER AUTHORIZING AND APPROVING THE RETENTION OF LAMONICA
HERBST & MANISCALCO, LLP AS GENERAL COUNSEL TO THE CHAPTER 7
TRUSTEE EFFECTIVE AS OF MAY 16, 2025**

Upon the Notice of Presentment of the application (“Application”)¹ of Gregory M. Messer, solely in his capacity as the Chapter 7 Trustee of the bankruptcy estate of YJ Simco LLC (“Debtor”), seeking entry of an Order, pursuant to Bankruptcy Code section 327(a) and Bankruptcy Rule 2014, approving the employment of LaMonica Herbst & Maniscalco, LLP (“LH&M”) as his general counsel, effective as of the Retention Date of May 16, 2025, to assist the Trustee with, inter alia, disposition of the Debtor’s membership interest in 1055 Park Ave 1 LLC and 1055 Park Ave PH LLC, as well as Unit 1 and the PH; and upon the Declaration of Jacquelyn S. Loftin, Esq., on behalf of LH&M, which is attached to the Application filed on May 29, 2025; and no objections having been filed or received by the Trustee on or before the objection deadline of June 16, 2025, or at any time thereafter; and the Court being satisfied that: (i) LH&M neither represents nor holds any interest adverse to the Trustee or to the Debtor’s estate; (ii) LH&M is a “disinterested person” as that term is defined in Bankruptcy Code section 101(14); and (iii) the retention of LH&M is necessary and would be in the best interest of the Debtor’s estate; it is hereby

ORDERED, that the Application is granted to the extent provided herein; and, it is further

¹ Capitalized terms not defined herein shall have the definition ascribed to them in the Application.

ORDERED, that in accordance with Bankruptcy Code section 327(a), LH&M is authorized and approved to represent the Trustee as his general counsel effective as of the Retention Date of May 16, 2025, the date that LH&M began providing legal services to the Trustee in this matter; and, it is further

ORDERED, that LH&M is authorized and approved to provide the following services to the Trustee and the bankruptcy estate, including but not limited to:

- i. Assisting the Trustee before the Court and advising the Trustee on hearings and motions;
- ii. Reviewing and analyzing all motions filed with the Court by third parties in this case, including, but not limited to, the motion seeking relief from stay filed by New York 555, LLC;
- iii. Determine the disposition of the Debtor's member interest in the limited liability companies and Unit 1 and PH;
- iv. Prosecuting objections to claims, if any; and
- v. Performing other legal services which may be necessary to protect the interests of the estate.

ORDERED, that to the extent the Application is inconsistent with this Order, the terms of this Order shall govern; and, it is further

ORDERED, that the Bankruptcy Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and, it is further

ORDERED, that LH&M shall be compensated in accordance with and will file interim and final fee applications for allowance of its compensation and expenses and shall be subject to Bankruptcy Code sections 330 and 331, Bankruptcy Rules, Local Rules, and applicable law; and, it is further

ORDERED, that LH&M shall file a supplemental affidavit with the Court (“Supplemental Affidavit”) ten business days prior to any increases in LH&M’s hourly rates. The Supplemental Affidavit shall explain the basis for the requested rate increase in accordance with Bankruptcy Code section 330(a)(3)(F). All parties, including the United States Trustee, retain all rights to object to or otherwise respond to any rate increase on any and all grounds, including, but not limited to, the reasonableness standard provided for in Bankruptcy Code section 330.

Dated: June __, 2025
New York, New York

Honorable Lisa G. Beckerman
United States Bankruptcy Judge

NO OBJECTION:

William K. Harrington
United States Trustee for Region 2

By s/ Daniel Rudewicz
Daniel Rudewicz, Esq.
Trial Attorney